



JANET T. MILLS
 GOVERNOR

MICHAEL SAUSCHUCK
 COMMISSIONER

J. SAM HURLEY
 DIRECTOR

Board of EMS Meeting
 December 6, 2023, at 9:30 AM
 Via ZOOM and Chamberlain Conference Room
 Minutes

“The mission of Maine EMS is to promote and provide for a comprehensive and effective Emergency Medical Services system to ensure optimum patient care with standards for all providers. All members of this board should strive to promote the core values of excellence, support, collaboration, and integrity. In serving on this Board, we commit to serve the respective providers, communities, and residents of the jurisdictions that we represent.”

Board Member	In Attendance	Late Arrival (if applicable)	Early Departure (if applicable)
Nate Allen	X		
Timothy Beals	X		
Bill Cyr	X		
Katelyn Damon			
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel			
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock		X 10:28 am	
Kate Zimmerman	X		

Staff: Deputy Director Anthony Roberts, Jason Oko, Darren Davis, Jason Cooney, Anna Massefski, Teresa Glick, Marc Minkler, Soliana Goldrich, Christopher Azevedo, Taylor Parmenter, Ashley Moody, Robert Glaspy, Melissa Adams, Commissioner Michael Sauschuck, Derek Gorneau, AAG Lisa Wilson, AAG Andrew Black

Stakeholders & Guests: Bill Lee, John Lennon, Ed Gould, Eric Wellman, Butch Russell, Joanne LeBrun, Kacie Bragdon, Richard Petrie, William Montejo, Steve Leach, Steve Almquist, Shawn Mitchell, Christopher Pare, Aiden Koplovsky, Rep. Sue Salisbury, Michael Senecal, AJ Gagnon, Cory Morse

1. Introductions

● **Excellence** ● **Support** ● **Collaboration** ● **Integrity** ●

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2. Disclosure of any conflicts of interest
Downing Recused from 23-285
Beals recused from 23-322

3. Modifications to the Agenda
Chair Drinkwater moves emergency rulemaking to follow public comment.

4. Public Comments

Rick Petrie –expressed concern about the proposed language surrounding the number of signatures for regional directors in the draft bylaws. He felt this may create additional roadblocks to finding people to serve on committees.

5. Emergency Rule Consideration

Commissioner Sauschuck provided an overview of the stabilization funding and proposed emergency rule. The Commissioner recommended striking “*non profit or for profit*” from line 15 to ensure municipalities are eligible. Brent Libby would like to add the formula to the document for easier reference. He also asked if a provision may be needed around Line 100 to remove “*needs a response unit*” for non-transporting services. Darren Davis provided an overview of the formula. Tim Beals asked about the timeframe for the funding. Commissioner Sauschuck said this will depend on the speed of applications. Once the rule goes to the Secretary of State for signature, there will be a press release, Maine EMS will send a GovDelivery notification, and an e-mail address will be established for questions. An internal panel will review the applications in a rolling manner. No specific timeline is available.

AAG Andrew Black stated that there must be findings that there is a need for an emergency rule. Jason Cooney read the basis statement.

Public Comment: Rep. Sue Salisbury explained how the Blue Ribbon Commission wanted to get funding out quickly to services that are struggling with the bill. She expressed that she felt the rules in place do not reflect the urgency and is concerned some services may feel overwhelmed or may need support from Maine EMS to apply for funds.

MOTION to adopt the basis statement and the findings of emergency (Libby, seconded by Giberson)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte

Motion Carries

MOTION to adopt Chapter 24: Implementing the Maine EMS Stabilization Program Emergency Rule, with the amendment of striking line 15 “*non profit or for profit*”, line 286 to change “*transporting entities*” to read “*non-transporting entities*”, and to correct line 436 to read “*32 MRS*”. (Libby, seconded by Giberson)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte
Motion Carries

6. Investigations

a. Investigations Committee November 30, 2023 Meeting Minutes

MOTION to accept minutes as submitted. (Giberson, seconded by Gerrish)

(Yes) Gerrish, Smith, Giberson, Drinkwater, Downing, Beals

(Abstain) Turcotte

Motion Carries

b. 23-322 Case Review

Summary: The licensee, when applying for licensure upgrade to the AEMT level, failed to disclose his previous criminal convictions. The licensee has a related letter of guidance on file. The committee recommends the Board preliminarily deny the application and offer a consent agreement to issue the license with a warning, citing a violation of Maine EMS Rules Chapter 11 §1(1).

MOTION to accept the committee's recommendation (Libby, seconded by Cyr)

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte

(Recused) Beals

Motion Carries

c. 23-285 Case Review

Summary: The licensee allegedly took photographs of at least two patients in the back of an ambulance and sent those photographs to another person, not involved in the care of the patient, without the knowledge or consent of the patient. The committee recommends the Board offer a consent agreement citing a violation of Maine EMS Rules Chapter 11 §1(12) with a warning and probation for ninety (90) days, during which the licensee shall complete at least eight (8) hours of training on topics including HIPAA, patient confidentiality and ethics; the training must be pre-approved by the Maine EMS Training Coordinator and proof of completion submitted to the Investigator within the probationary period.

MOTION to accept the committee's recommendation with an amendment to suspend the license for 90 days or until the education requirement is completed. (Giberson, seconded by Turcotte)

(Yes) Allen, Beals, Cyr, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte

(Abstain) Whytock

(Recused) Downing

Motion Carries

7. Old Business

a. Meeting Minutes

i. November 1, 2023

MOTION to accept the minutes as submitted (Libby, seconded by Beals)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith, Turcotte, Whytock

(Abstain) Giberson

Motion Carries

ii. November 20, 2023

Discussion – basis statement on draft rule

MOTION to accept the minutes as submitted, with a correction on the draft rulemaking language (Libby, seconded by Cyr)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

b. Bylaws Change Proposal

Chris Whytock spoke on number 5, and thought the 25 signatures for non-regional positions seems like a lot. Steve Smith agreed that the signature requirement seemed excessive. Andy Turcotte agrees and would like to keep it low barrier. He proposed to strike the signature requirement. Tim Beals agreed and would like to remove the signature language.

MOTION to amend the board bylaws by adding Section 7 as written and strike the signature requirements from Sections 4 and 5 for regional positions. (Libby, seconded by Cyr)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

c. Frisbee EMS Opinion

Melissa provided an overview of the opinion and provided a definition of “routinely.”

MOTION to move forward in the Chapter 2 public comment period to add the definition of routinely, “shall be the median annual call volume for the lowest 10% of all Maine EMS licensed ground ambulance and non-transporting services for the preceding year, calculated and applied separately as it pertains to those defined service and ambulance

licensure with the least of the median figures applied as it relates to other defined services, emergency medical services persons, or persons licensed by this Board.” (Libby, seconded by Giberson)

Discussion: Bill Cyr asked if this requires all services that respond more than routinely to apply for the license. Melissa stated they could be contacted through the Attorney General's office to apply.

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

d. Update on Rulemaking

i. Chapter 21 Status

Chapter 21 is at the Attorney General office for form and legality review.

ii. Chapter 15 Status

The comment period has closed. Jason is working on compiling the comments. Approximately 21 comments were received.

e. Maine EMS Director Update

Deputy Director Anthony Roberts said the first round of interviews has been completed, and the second round has started. The connectivity project is ongoing. The SUD position will be posted this month. The MOUD RFP will be reviewed on December 7th.

8. New Business

a. Staff Request to Approve EMSC Fund Expenditure

Marc Minker – asked to move EMSC funds from the last grant cycle and \$799 from this grant budget to provide a match with DHHS to purchase Ferno Kangoofits for each ground transporting service in the state. Funds would go to Maine Medical Associates, which is managing the funding. The Board is asked to approve transferring the \$10,000.00.

MOTION *to approve the funds transfer from the EMSC fund for \$10,000. (Cyr, seconded by Turcotte)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

9. Other

- a. Next Board meeting is scheduled for January 3, 2024, at 9:30 am, in-person at the Chamberlain Room and via Zoom.

Meeting adjourned at 11:21 am